

**Central Administrative Tribunal
Lucknow Bench Lucknow**

**Original Application No.84/2007
This, the 16th day of September 2008**

HON'BLE MR. M. KANTHAIH, MEMBER (J)

Ram Bahadur S/o Late Sri Ram Kishore Nishad, R/o Village Hakimpur,
Post Officer-Hakimpur via Malipur, District-Sultanpur.

...Applicant.

By Advocate:- Shri Manoj Kumar Tewari for Shri A.P. Singh.

Versus.

1. General Manager, D.L.W., Varanasi.
2. Deputy Chief Personnel Officer, Head Quarter, Recruitment, D.L.W., Varanasi.
3. Dy. Chief Vigilance Officer, D.L.W., Varanasi.

... Respondents.

By Advocate:- Shri B.B. Tripathi for Shri N.K. Agrawal.

ORDER

BY MR. M. KANTHAIH, MEMBER JUDICIAL.

The applicant has filed this OA with a prayer to consider his claim for compassionate appointment and also for release of arrears of family pension for four years i.e. till attaining the age of 25 years.

2. The Respondents have filed Counter Affidavit, denying the claim of the applicant on the ground that the claim of his eldest brother Sri Vijay Kumar Nishad had been considered by Central Administrative Tribunal, Allahabad Bench vide O.A.No.552/2007 and in Writ Petition No.16981/2001 and CMWP No.27297/2001 Dt.02.02.2001;

04.05.2001 & 29.08.2001 on the file of Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) as such, the present OA is not maintainable.

3. Heard.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

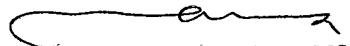
5. The admitted facts of the case are that the father of the applicant Late Ram Kishore died on 17.10.1972, while working as Gangman under Respondent No.2, leaving behind his minor children i.e. the applicant and his elder brother and 2 sisters. Thereafter, family pension was also sanctioned to the minor sons of the deceased family w.e.f. 18.10.1972 and subsequently withheld on 18.10.1990 on attaining the age of majority. It is an undisputed fact that the elder brother of the applicant applied for his appointment on compassionate ground on 29.04.1988 but he was advised vide letter Dt. 18.070000 (Ann.-CA-5) for submission of his application on attaining the age of 18 years. Subsequently, he applied for his appointment on compassionate ground on 25.7.1990 and 08.01.1991 (Ann.-CA-6 and 7) and subsequently, sent representation to the respondent authorities but the respondents authority did not consider his claim for compassionate appointment, he filed O.A.No.552/2001 on the file of Central Administrative Tribunal, Allahabad Bench, which was dismissed on 2.2.2004. Aggrieved by the same, he filed Writ Petition 1698/2001, before the Hon'ble High Court at Allahabad but the same was dismissed on 04.05.2001. Thereafter, he again filed another Writ Petition No.27297/2007, stating that it is the first writ petition against the order of the Tribunal Dt. 2.02.2001 but the same was also

dismissed. It is not in dispute that the applicant has filed the present OA after a lapse of the period of 34 years after the death of his father.

6. The claim of the applicant for his appointment on compassionate ground is after more than 34 years after the death of his father, which was clearly time barred. Further, the applicant's elder brother made claim for his compassionate appointment but the same was also dismissed by the Tribunal and in such circumstances, it is not open to the applicant to re-agitate the same claim after a lapse of 34 years after the death of his father.

8. Under the above circumstances, there are no merits in the claim of the applicant and as such the same is liable for dismissal.

In the result, OA is dismissed. No costs.


(M. KANTHAIAH)
MEMBER (J)
16-09-08

/amit/